

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



The USPTO in FY2021

12,963 employees

- **8,073** patent examiners
- **662** trademark examining attorneys
- **244** Administrative Patent Judges
- **27** Administrative Trademark Judges

Patents

- **650,703** applications filed
- **374,006** patents issued

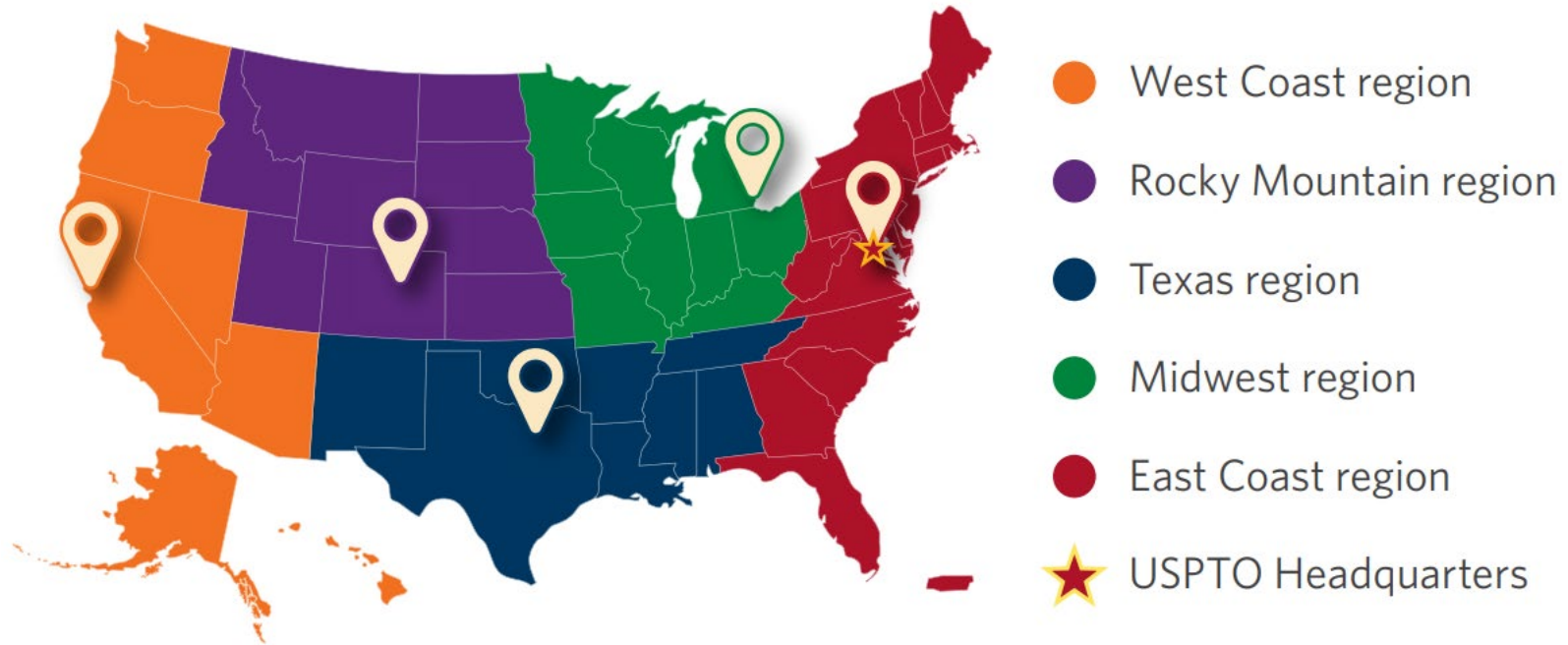
Trademarks

- **732,007** trademark applications
- **337,814** Certificates of Registration

USPTO headquarters in
Alexandria, VA

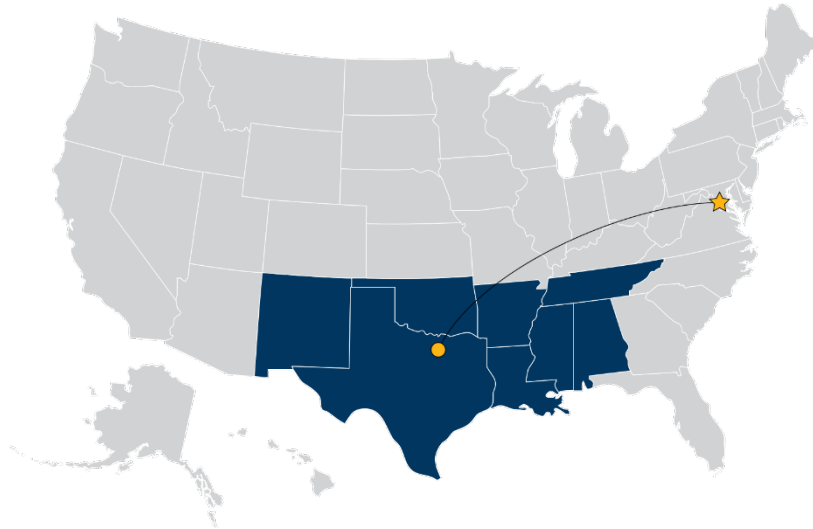


USPTO offices



Texas Regional Office

207 S. Houston Street, Suite 159, Dallas, TX



Employees:

- Patent examiners
- Patent Trial and Appeal Board (PTAB) judges
- Management/staff



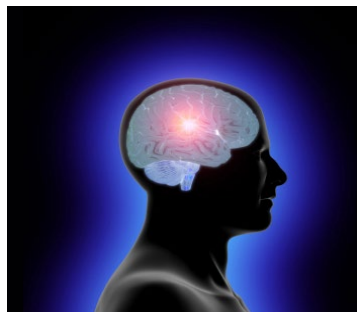
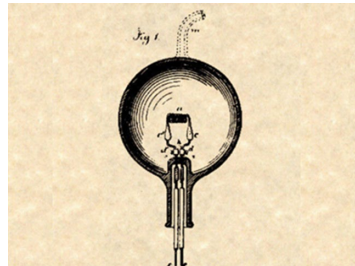
- Office hours: 8:30 a.m. to 5 p.m. CT, M – F
- Services
 - Public search facility
 - Available from 9 a.m. – 4:30 p.m.
 - Examiner interview room
 - Hearing room
 - Public meeting space

Introduction to Intellectual Property

USPTO - Texas Regional Office

*The images and photographs in this presentation are for educational purposes only.

Intellectual Property



Intellectual



Property

uspto

Intellectual property



Patent



Trademark



Copyright



Trade Secret

Can you find the IP in a mobile phone?

Trademarks:

- Made by "SAMSUNG"
- Product "Galaxy Note"

Patents:

- Camera
- Battery
- Screen
- Antenna
- Data-processing methods
- Semiconductor circuits

Design patents:

- Home button shape
- Curved bezel
- Curved screen

Copyrights:

- Software code
- Instruction manual
- Ringtone

Trade secrets:

- ???



Patents

What is a patent?

- The grant of a property right to an inventor (USPTO)

- ✓ **The right to exclude others from:**

- ✓ Making,
- ✓ Using,
- ✓ Offering for sale, or
- ✓ Selling or Importing the invention in the United States

- ✗ **What is granted is NOT the right to make, use, offer for sale, sell or import,** but

- ✓ The right to exclude others from making, using, offering for sale, selling or importing the invention.

Three types of patents

Utility patents

- Protects how an invention works, functions or is made for 20 years from filing date
 - ✓ Process
 - ✓ Machine
 - ✓ Article of Manufacture
 - ✓ Composition of Matter

Design patents

- Protects the way a product or article looks, the ornamental expression for 15 years from the date of grant

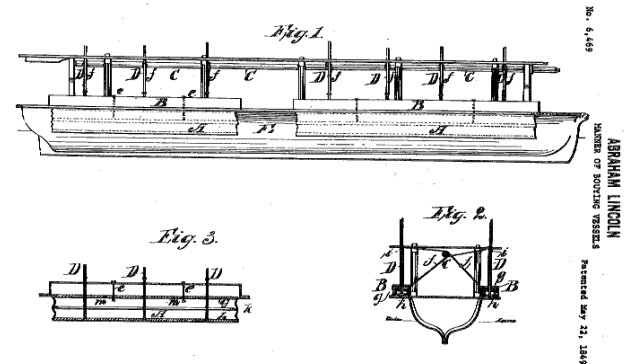
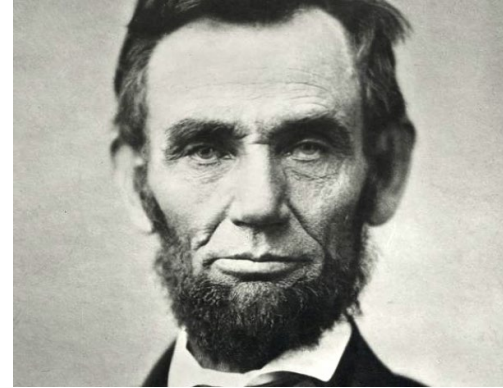
Plant patents

- Protects newly invented strains of asexually reproducing flowering plants, fruit trees, and other hybrid plants for 20 years from filing date

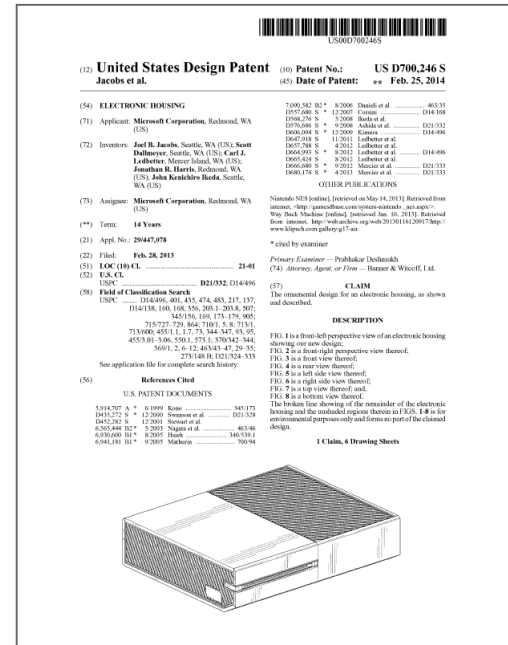
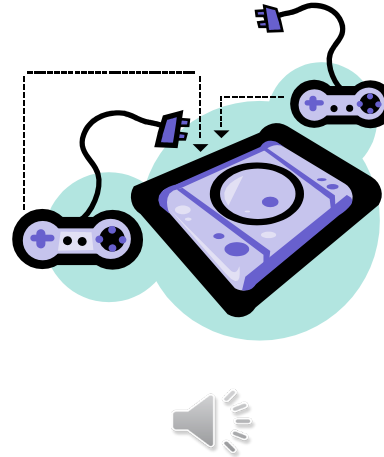
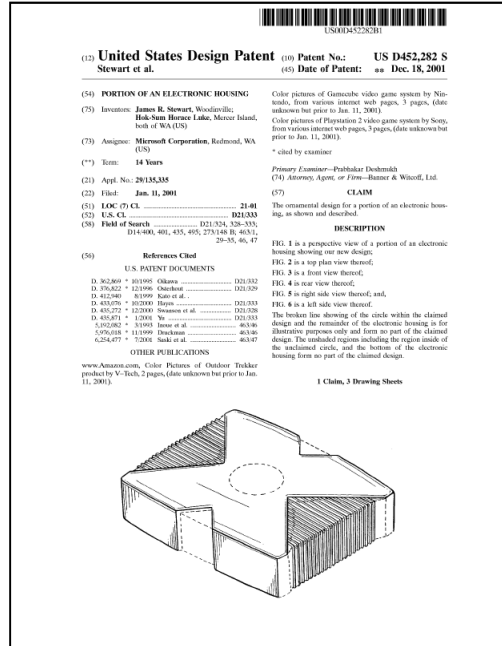


Abraham Lincoln

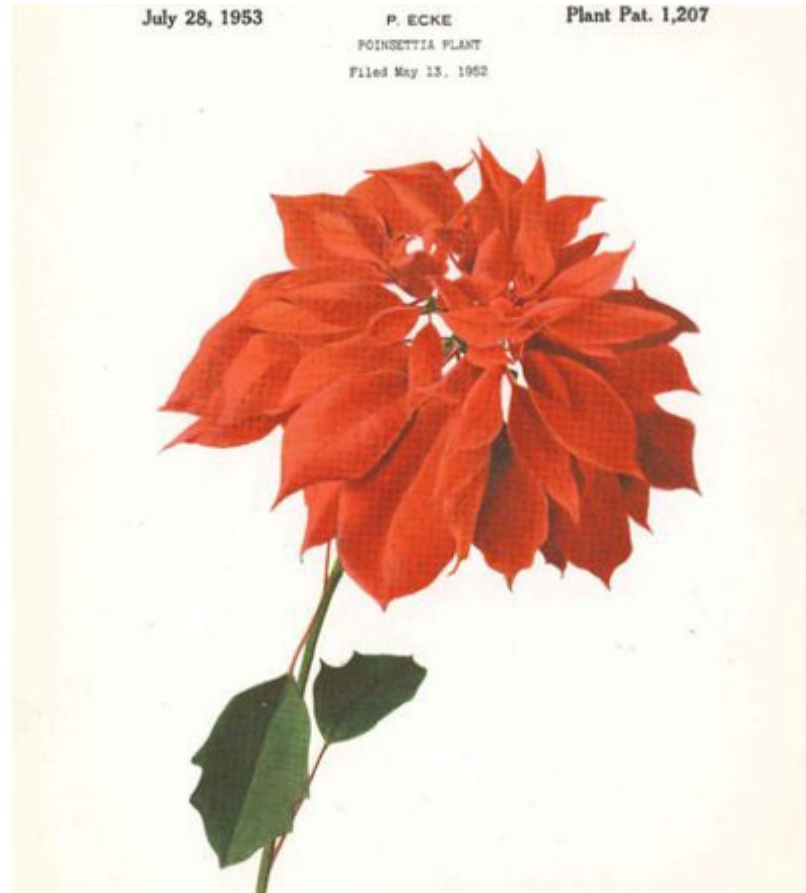
- On May 22, 1849, Abraham Lincoln received Patent No. 6469 for a device to lift boats over shoals, an invention which was never manufactured.
- However, it did make him the only U.S. president to hold a patent.



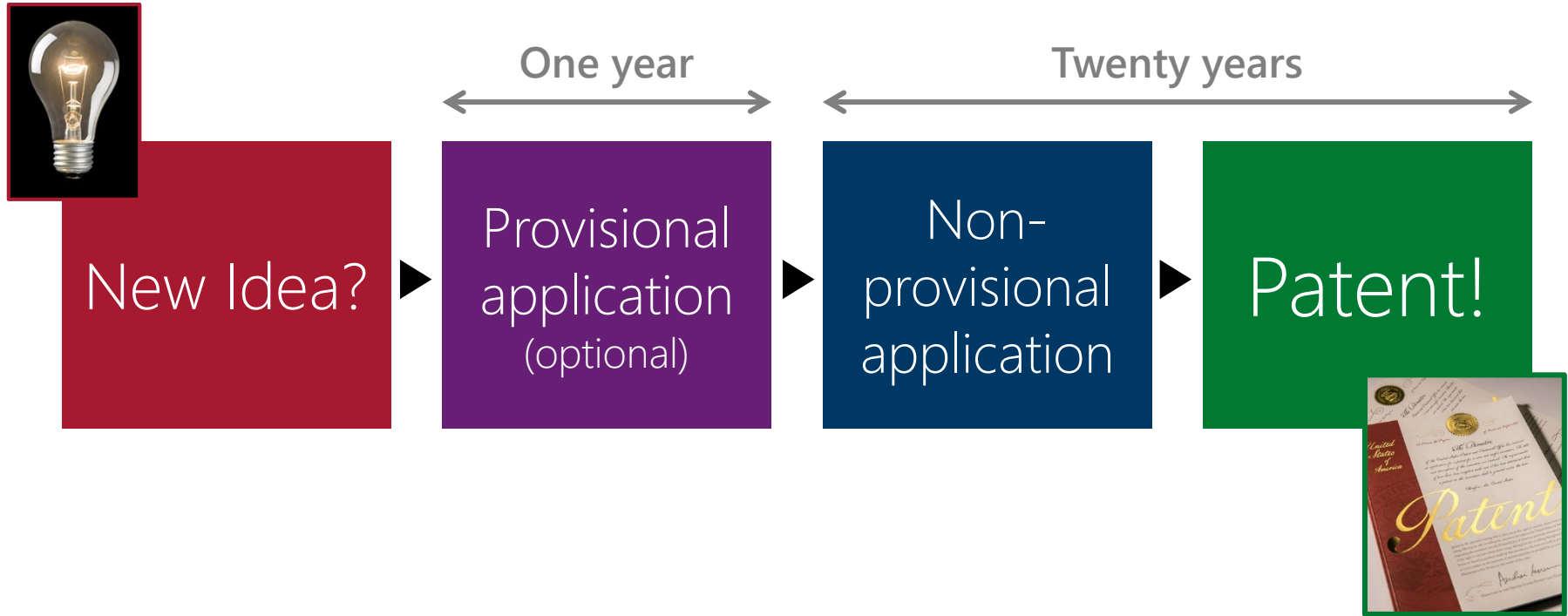
Design patents: video game system



Plant patents



The path to a patent



Trademarks

What is a trademark?

- A **trademark** is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others.
- A **service mark** is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product.

Examples of trademarks

Trademarks can be **WORDS**

STARBUCKS

NIKE

TARGET

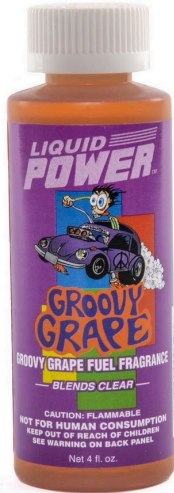
Trademarks can be **DESIGNS**



Nontraditional marks – colors



Nontraditional marks – scents



verizon✓



uspto

Nontraditional marks – sounds



Trade dress



Copyrights

What is copyright?

- Copyright is a legal protection for “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works.

Things protected by copyrights



Songs



Books



Movies



Sculptures



Works protected by copyright

- Logos
- Product design and packaging
- Advertising and promotional materials
- Instruction manuals
- Educational materials
- Software source code
- Website content

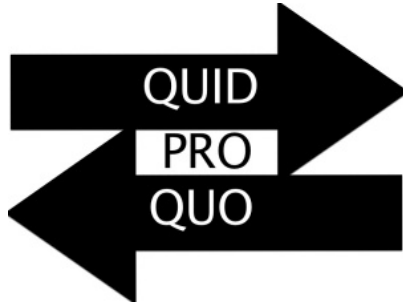
Trade secrets

What is a trade secret?

- Trade secrets consist of information and can include a formula, pattern, compilation, program, device, method, technique or process.
- To meet the most common definition of a trade secret, it must be used in business, and give an opportunity to obtain an economic advantage over competitors who do not know or use it.

Patents vs. trade secrets

Patents and trade secrets are really different sides of the same coin



- Utility patents last 20 years from the time of earliest U.S. benefit date claimed. You get exclusive rights for that time.
- You must disclose how to make and use your invention within your application.
- There may be legal remedies should someone make, use, or sell your invention without your permission.
- Someone can still try and improve upon what you have done and get a patent on that improvement.



- Trade secrets last as long as it remains a secret.
- You must take reasonable steps to keep your trade secret secure.
- There may be legal remedies should someone steal your trade secret.
- Someone can still try to reverse engineer what you have done.

What is a trade secret?



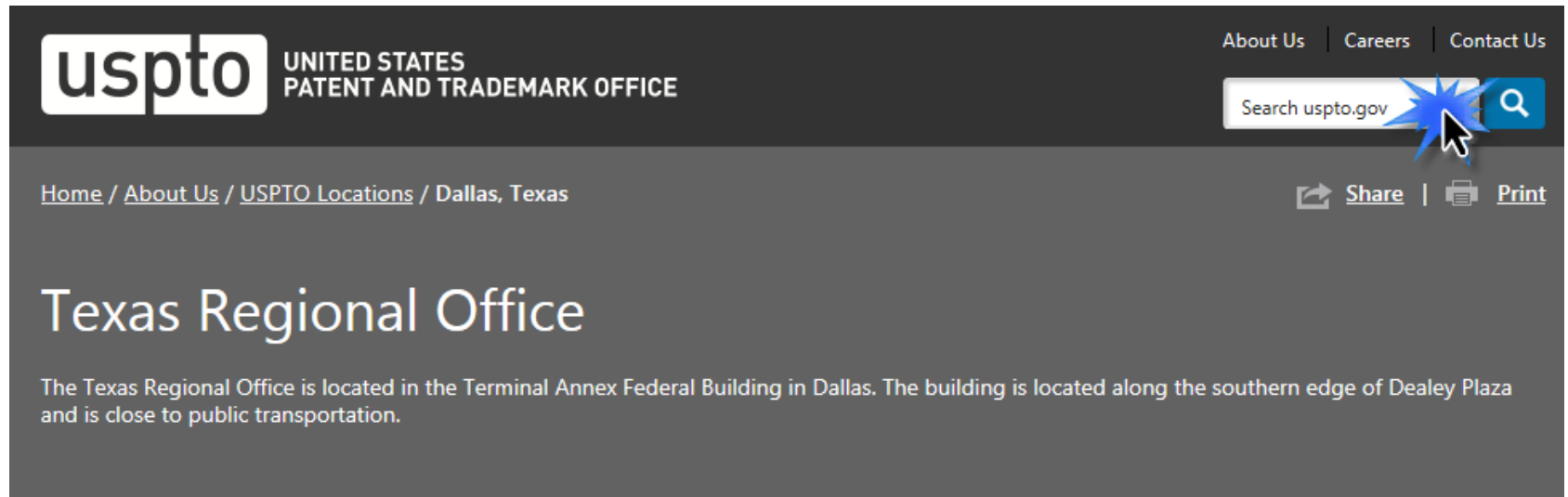
Intellectual property

	<u>Utility Patent</u>	<u>Design Patent</u>	<u>Trade Secrets</u>	<u>Copyrights</u>	<u>Trademarks</u>
<i>What is protected</i>	Inventions – Process, machine, manufacture, or composition of matter	Ornamental characteristics embodied in, or applied to, an article of manufacture	Business-related information (formulas, techniques, information)	Art, in an all-encompassing sense	Marks that indicates the source or origin of goods or services
<i>Requirements</i>	Utility, novelty, and nonobviousness	Novelty and nonobviousness	Commercial value, generally not known, and reasonable efforts of secrecy	Original, authorship, and fixation in a tangible medium	Use in commerce and either distinctiveness or secondary meaning
<i>Protects Against...</i>	Making, selling, offering for sale, and importing	Making, selling, offering for sale, and importing	Stealing	Copies, performances, displays, and derivative works	Use of a mark that causes the likelihood of confusion
<i>Endures until...</i>	20 years from filing date	15 years from issuance	Publicly disclosed	The life of the author + 70 years	Abandoned
<i>Rights of Independent Creators</i>	None	None	Full	Full	None

USPTO resources

USPTO– Texas Regional Office

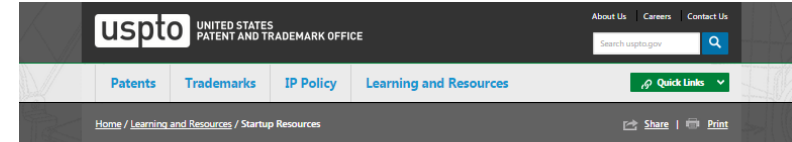
- Visit us at www.uspto.gov – Search “Texas”



Startup resources

- Webpage that serves as a one-stop shop for startups:

- www.uspto.gov/learning-and-resources/startup-resources



Startup Resources

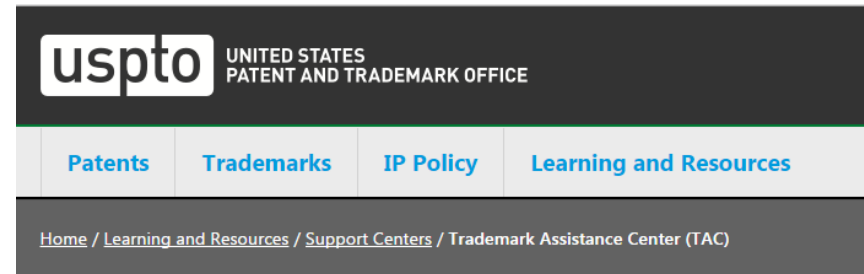
Many startup businesses face unique IP-related challenges, such as IP portfolio prerequisites to secure funding, and the possibility of costly patent infringement demand letters and lawsuits. We have tailored this area of our website to suit the specific needs of startup businesses, a segment of our stakeholders that continues to be recognized as an outsize engine of job creation, economic growth, and unparalleled innovation in the United States.

This portal is part of our Startup Partnership Initiative—putting key resources and critical information for startups in a single place so it's easier to find what you may need when you need it.

Patents for Startups The patent process can be challenging if you are not familiar with it. Here is basic information on the patent process. <ul style="list-style-type: none">• Patent Process Overview• Inventors Assistance Center• Patent FAQs• Patent Homepage• Search for Patents• Official Gazette for Patents	Trademarks for Startups The trademark process can be confusing for a beginner, so here is basic information on registering a trademark. <ul style="list-style-type: none">• Trademark Basics• Search for Trademarks• Filing online• Trademark Homepage	Startup Assistance The Inventors Assistance Center and Trademark Assistance Center provide information and services to the public. Center staff can answer questions on patent and trademark processes, but cannot provide specific legal advice. <ul style="list-style-type: none">• Inventors Assistance Center• Trademark Assistance Center• Patents Ombudsman Program• BusinessUSA (link is external) [®]	Current Events Information about conferences, conventions and other opportunities to engage. <ul style="list-style-type: none">• Upcoming Events• Investors Eye Events & Announcements
Scam Prevention We provide a public forum for the publication of complaints concerning invention promoters/promotion firms. However, we do not investigate complaints or participate in legal proceedings related to invention promoters. <ul style="list-style-type: none">• Scam Prevention Basics• Non-USPTO Trademark Solicitations• American Inventors Protection Act of 1999• Federal Trade Commission (link is external) [®]• Consumer Protection (link is external) [®]	Pro Se - Pro Bono Are you a startup with limited resources and need help applying for a patent on an invention? If so, you may be eligible to receive pro bono ("for free") attorney representation through the nationwide Pro Bono Program. Alternatively, you might be eligible to participate in a law school clinical program near you. <ul style="list-style-type: none">• Pro Se• Interest Form (link is external) [®]• Pro Bono• Inventors Eye Pushing Ahead with Pro Bono Assistance• Patent and Trademark Resource Centers• Law School Clinics	Education & Information Guides and additional resources and information for startups. <ul style="list-style-type: none">• Provisional Application for Patent• Filing a Nonprovisional Utility Patent Application• Filing A Design Patent Application• Financial Manager• Patent Litigation Toolkit• IP Awareness Assessment	State Resources <ul style="list-style-type: none">• U.S. map of resources

Trademark Assistance Center

- Provides general information about the registration process
- Responds to status inquiries
- 8:30 a.m. to 8 p.m. ET, Monday through Friday
- Phone:
 - 571-272-9250 or 800-786-9199
- Email:
 - TrademarkAssistanceCenter@uspto.gov



Trademark Assistance Center (TAC)

The Trademark Assistance Center (TAC) provides general information about the trademark registration process and responds to inquiries about the status of trademark applications and registrations. The location of the Trademark Assistance Center is Madison East, Concourse Level, 600 Dulany Street, Alexandria, VA 22314. Telephone assistance is available Monday through Friday (except federal holidays) from 8:30 a.m. to 8 p.m. ET. Walk-in assistance is available Monday through Friday (except federal holidays) from 8:30 a.m. to 5 p.m. ET.

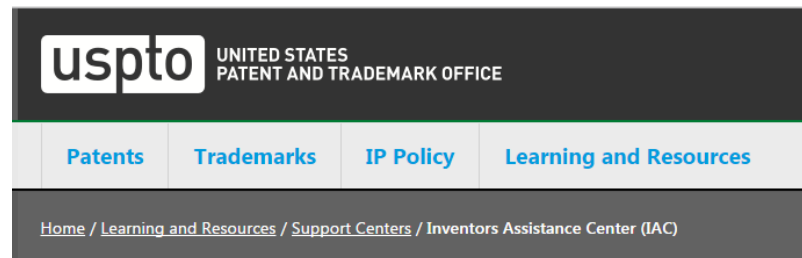
You can also check the status of an application or registration through Trademark Applications and Registrations Retrieval ("TARR") database at <http://tarr.uspto.gov/>.

800-786-9199 (toll-free) | 571-272-9250 (local)



Inventors Assistance Center

- Provides general information about patent examination policy and procedure
- Assists with identifying necessary forms and completion
- 8:30 a.m. to 8 p.m. ET, Monday through Friday
- Phone:
 - 571-272-1000 or 800-877-8339



Inventors Assistance Center (IAC)

The Inventors Assistance Center (IAC) provides patent information and services to the public. The IAC is staffed by former Supervisory Patent Examiners, experienced Primary Patent Examiners, various intellectual property specialists and attorneys who can answer general questions concerning patent examining policy and procedure.

What IAC can do for you

- Answer general questions regarding patent examining policy.
- Answer questions concerning necessary formats and items needed for your patent application.
- Assist you with forms needed and with filling out the forms.
- Direct your calls to appropriate USPTO personnel or www.USPTO.gov web pages, as necessary.
- Provide you with general information concerning patent examining rules, procedures, and fees.
- Send you patenting information and forms via USPS mail or facsimile.



My.USPTO.gov

- Trademark docket
 - Share collections in dockets with other MyUSPTO users
- Trademark form finder widget
 - Widget identifies forms using plain language rather than current form names
 - Includes a search box to search the form names
- Next widget: Trademark Electronic Application System (TEAS) Plus Short Form
 - Initial scope: Intent-to-use (ITU) word marks, TEAS Plus fee basis
 - Status: Testing ongoing using production data; release to the public Q1 FY 2020



TRADEMARK FORM FINDER

Search

- > File an application
- > Respond to correspondence from the USPTO
- > Respond to a Notice of Allowance
- > Make changes to your application
- > File documents after your mark is registered to maintain or change your registration
- > Change an address
- > Change attorney or domestic representative information
- > File a late response
- > Respond to a Notice of Abandonment
- > File a petition
- > File forms related to the Madrid Protocol
- > File an appeal, opposition, or cancellation with the TTAB
- > Record an assignment for ownership transfers or changes in name, entity type, or citizenship

[All trademark forms](#)



Apple



Google

USPTO TM Status App

- Available on Apple App Store and Google Play
- Search application and registration numbers
- Notifications of selected status changes
- Reflects updated status changes within minutes
- Share, bookmark, or create notebooks for saving information
- No account necessary



IP Awareness Assessment Tool

ipAwarenessAssessment

Beta II

uspto NIST

A business and inventors IP evaluation tool

IP Awareness Assessment

The IP Awareness Assessment, developed under the joint efforts of United States Patent and Trademark Office (USPTO) and National Institute of Standards and Technology/Manufacturing Extension Partnership (NIST/MEP), allows you to assess your intellectual property awareness. Following the completion of the assessment, you will receive a customized training material. [Learn more](#)

Feedback

Your [feedback](#) and comments are crucial for improving the IP Awareness Assessment.

Inventor Assistance Program

Important Notice

Please note that any information provided here does not constitute legal advice, but is intended to increase your IP awareness. When filing an application for obtaining specific IP rights, it is recommended that you obtain professional legal assistance. The IP Awareness Assessment contains links to external websites. USPTO does not maintain those external sites and is not responsible for the material found therein.

Welcome to the Intellectual Property Awareness Assessment Tool. The IP Assessment includes the below five general categories, that are included in all assessments.

- IP Strategies & Best Practices
- International IP Rights
- IP Asset Tracking
- Licensing Technology to Others
- Using Technology of Others

There are five additional categories that all can take or, which may be customized through a Pre-assessment. These five categories include:

- Copyrights
- Design Patents
- Trademarks
- Trade Secrets
- Utility Patents

Not all businesses have all categories of IP Assets so they have an opportunity to opt out of certain categories by using the customizer or Pre-assessment or may opt to take the full assessment of ten categories containing 62 questions.

The full assessment requires about 20-30 minutes to complete. The customizer or Pre-assessment can reduce the required time by 10-15 minutes.

>> enter the IP Awareness Assessment

Before starting the assessment, please note:

- Save the link for this page as a favorite/bookmark on your browser.
- In the "Internet Options" of your browser, deselect/uncheck history on exit. This will allow you to return and resume your assessment session in case you cannot finish it in one sitting. This will also allow you to access your training materials and assessment results at your convenience.
- As you are answering the assessment questions, choose the answer that best applies to your business or circumstances as an independent inventor or individual. Where applicable, choose all the responses that apply to your situation.
- Responses or data collected in the assessment are not stored or used by the USPTO or NIST MEP.

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www.uspto.gov/inventors/assessment

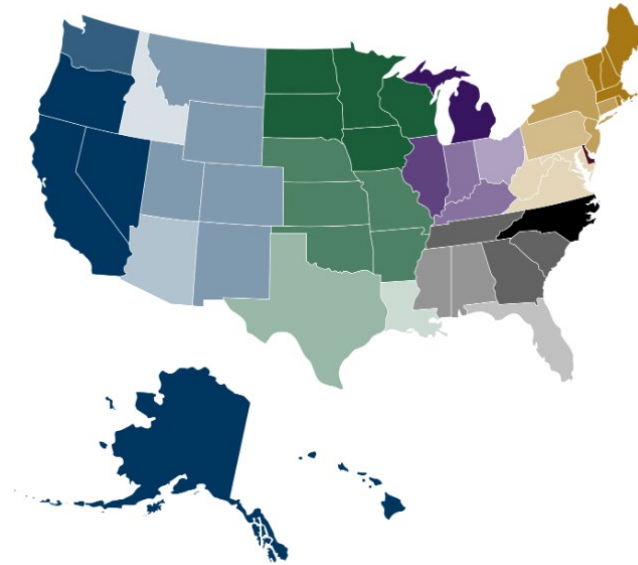
USPTO Patent Pro Bono Program

Nationwide network that assists financially under-resourced independent inventors and small businesses.

- Coverage in all 50 states achieved and maintained since August 2015
- Program participants must:
 - Pay USPTO filing fees and costs
 - Have income of 300% below federal poverty guidelines though some regional programs may have different criteria.
 - Demonstrate knowledge of the patent system by
 - Take training course at www.uspto.gov/video/cbt/certpck/index.htm or
 - Having a provisional application already on file with the USPTO
 - Have application prescreened to ensure that there is more than an idea plus be able to describe the particular features of the invention and how it works



Pro Bono Program organizations



- Washington Pro Bono Patent Network
- St. Louis U. Pro Bono Patent Program
- New England Program
- Idaho Patent Pro Bono
- Texas Accountants and Lawyers for the Arts
- New York Tri State Program
- California Inventors Assistance Program
- Louisiana Invents
- Delaware Program
- ProBoPat
- Chicago-Kent Patent Hub
- Federal Circuit Bar Assn.
- Arizona Public Patent Program
- PatentConnect
- Philadelphia Volunteer Lawyers for the Arts
- LegalCORPS
- Ohio Invents
- Tennessee PATENTS
- Georgia PATENTS
- Pro Bono Patent Project
- BBVLP Patent Program
- Patent Pro Bono FL

Pro Bono Program for New Mexico

- MI CASA RESOURCE CENTER®
 - PROBOPAT PROGRAM (PRO BONO PATENT PROGRAM)
Located in Denver, CO
(303) 573-1302
MICASARESOURCECENTER.ORG
 - Programs designed to help participants apply sound business practices to protect intellectual property, advance careers, and develop income
 - Expanded service to include helping qualified inventors and small businesses to obtain pro bono access to registered patent professionals
 - Juana Bordas, Executive Director

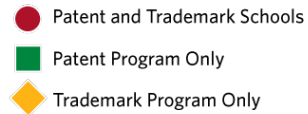


Law school clinics

- USPTO's Law School Clinic Certification program allows law students enrolled in a participating law school's clinic program to practice before the USPTO under the guidance of a law school faculty clinic supervisor.
- Students gain experience drafting and filing either patent applications or trademark applications for clients of the law school clinic.



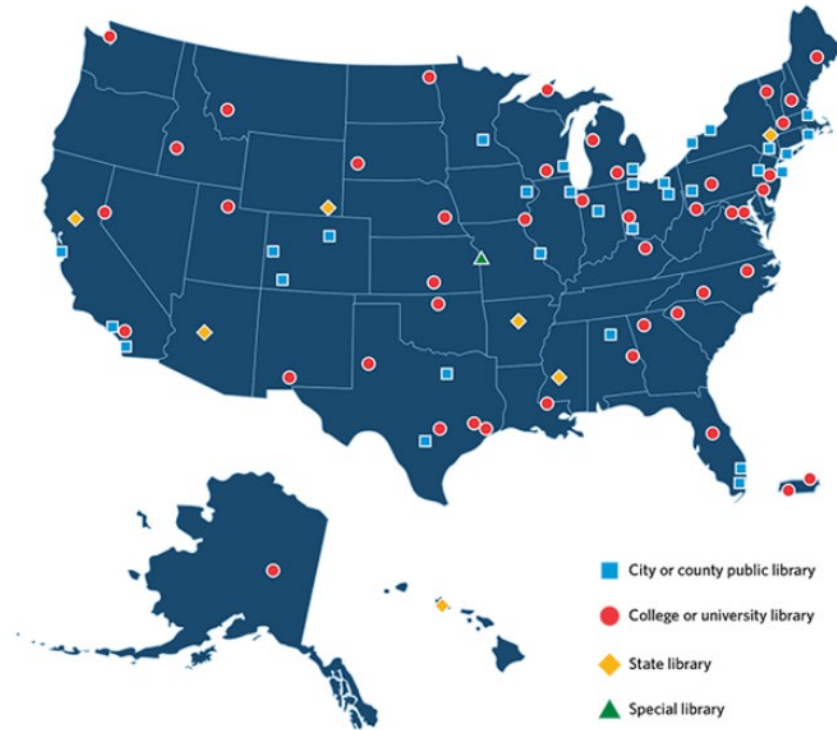
CLINIC CERTIFICATION PROGRAM



Patent and Trademark Resource Centers (PTRC)

Nationwide network of public, state, and academic libraries that are designated by the USPTO to disseminate patent and trademark information and to support intellectual property needs of the public.

www.uspto.gov/ptrc



Need patent protection fast?



Need to FAST track your patent? Use Track One!
Move your ideas quickly with USPTO's Track One



AIR form



USPTO AIR

A new web-based tool that allows Applicants to schedule an interview with an Examiner for their pending patent application.
Complete the form.

Video Conference

Video conferencing with a patent examiner gives you the ability to have face-to-face meetings, no matter the location of the examiner or attorney. Visit [Video Conferencing and Collaboration](#) for instructions on how to join a USPTO-hosted video conference, and information and links on how to use WebEx collaboration tools, including audio/video conferencing and file sharing. In this short video, attorneys share some advantages of video conferencing interviews.



TC Interview Specialist

Interview Specialists are subject matter experts in each Technology Center (TC) on interview practice and policy to assist in interviews, including facilitating and assisting with technical issues that may arise (e.g. WebEx problems, public interview room setup).

If you have questions or comments about interview practice at the USPTO, please contact a [TC Interview Specialist](#), based on the Technology Center that the application is docketed in.

USPTO Automated Interview Request (AIR) Form

AIR form allows applicants to schedule an interview with an examiner for their pending patent application

* This paper requesting

☐ I have previously submitted

☐ I am concurrently submitting

☐ This submission is related to

Internet communication

interview via video conference

including video conferencing

* ☐ I understand that a copy of this communication will be made of record in the application file.

*Name(s):

*S-signature: (See 37 CFR 1.4(d)(2)) (/Name/)

Registration Number: (5 Digit Numeric Only: 12345)

*U.S. Application Number: (8 Digit Numeric Only: 12345678)

*Confirmation Number: (4 Digit Numeric Only: 1234)

*E-mail Address:

*Phone Number: (10 Digit Numeric Only: 0123456789)

*Proposed Date and Time of Requested Interview must be more than one (1) week after today:
(Note: Confirmation of actual interview date and time will be arranged between examiner and requester)

MM DD YYYY Time Eastern Time

*Proposed Type of Interview: (Examiners working remotely will offer Video Conference or Telephonic interviews)

* ☐ I am the applicant or applicant's representative for this application.

Submit

* Indicates fields that are required

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to prosecute (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14.

This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.



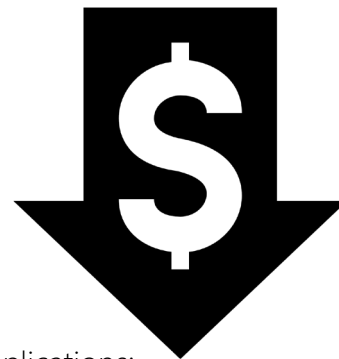


"This program brings a voice to the inventor that they normally would not have... Thank you!"

- Process designed for issues that arise during patent application prosecution; used to get an application "back on track"
- Use on-line ombudsman form at www.uspto.gov/patents/ombudsman.jsp

Micro entity status

- 75% off most patent fees
- Low-cost submission to establish filing date
- Micro entity certifies that he/she:
 - Qualifies as a small entity (fewer than 500 employees);
 - Has not been named as an inventor on more than four previously filed patent applications;
 - Did not, in the calendar year preceding the calendar year in which the applicable fee is paid, have a gross income exceeding three times median household income; and
 - Has not assigned, granted, or conveyed (and is not under obligation to do so) a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which applicable fee is paid, had a gross income exceeding three times the median household income.





Thank you!

TexasRegionalOffice@uspto.gov

(469) 295-9000

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